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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,018	09/12/2003	Robert M. Hunt	GP-303369	6819

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EXAMINER
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GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,018

Applicant(s)

HUNT, ROBERT M.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005 and 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The finality of the rejection of the last Office action is hereby withdrawn and a new action set forth below:

#### ***Claim Objections***

1. Claims 17 and 18 are objected to because of the following informalities:

In claim 17, on line 9, "attaching a second sidewall module" should perhaps be "attaching one of the second sidewall modules".

In claim 18, on line 2, "removing a second sidewall module" should be "removing one of the second sidewall modules". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruich (2002/0109376).

Gruich discloses a pickup truck comprising: a cab 12; a sidewall 15 at least partially defining a pickup truck cargo box 14, the sidewall having a forward portion and a rearward portion with an elongated opening 32 formed in the sidewall between the cab and the rearward portion; and at least one fastening element 42 or 44 mounted with respect to the sidewall for

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mounting any one of a plurality of differently-configured sidewall modules 50 at least partially within the elongated opening to provide or alter functionality of the sidewall; wherein the opening is upwardly open.

With regard to claim 2, the at least one fastening element 42 or 44 faces the elongated opening.

With regard to claim 4, the at least one fastening element 42 or 44 is configured for releasable engagement with a complementary fastening element on the sidewall module to enable module interchangeability.

For claim 16, Gruich inherently discloses a method of adding or altering pickup truck sidewall functionality, the method comprising: possessing a pickup truck 10, the pickup truck including a cab 12 and a first sidewall 15, the first sidewall having a first forward portion and a first rearward portion with a first elongated opening 32 formed in the first sidewall between the cab and the first rearward portion, the first elongated opening 32 being upwardly open, and a first fastening element 42 or 44 mounted with respect to the first sidewall for mounting any one of a plurality of differently-configured sidewall modules 50 (or storage bins with different items therein) at least partially within the first elongated opening to provide or alter functionality of the first sidewall; and attaching a first sidewall module 50 to the pickup truck such that the first sidewall module is at least partially within the first elongated opening.

With regard to claim 17, the pickup truck has a second sidewall 15 having a second forward portion and second rearward portion with a second elongated opening 32 formed in the second sidewall between the cab and the second rearward portion, the second elongated opening being upwardly open, and a second fastening element 42 or 44 mounted with respect to the

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second sidewall for mounting any one of a second plurality of differently-configured sidewall modules 50 (storage bins with different items stored therein) at least partially within the second elongated opening to provide or alter functionality of the second sidewall; and wherein the method further comprises attaching one of the second side wall modules 50 to the pickup truck such that the second sidewall module 50 is at least partially within the second elongated opening; and wherein the second sidewall module is differently-structured and has a different functionality (in that it can contain different functional items) from the first sidewall module.

With regard to claim 18, the method inherently further comprises removing one of the second sidewall modules 50 from the first elongated opening prior to the step of attaching the first sidewall module, the second sidewall module being differently-structured and having a differently functionality from the first sidewall module. Specifically, it is apparently that any one of the modules or bins 50 can be removed from any one of the openings once the latch 44 and hinge 42 are disengaged and any further module 50 can replace it.

For claim 19, Gruich discloses a pickup truck 10 comprising: a sidewall 15 at least partially defining a pickup truck cargo box 14 having a forward portion and a rearward portion with an elongated opening 32 formed in the sidewall between the forward and rearward portion, the opening being uncovered and upwardly open; and at least one fastening element 42 or 44 facing the elongated opening and at which any one of a plurality of differently-configured sidewall modules 50 is releasably mountable to provide or alter functionality of the sidewall.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruich as applied to claim 1 above and further in view of Scott et al. (6,003,923).

With regard to claim 5, Gruich lacks the elongated opening extending from the forward portion to the rearward portion of the sidewall:

Scott et al. teach a truck having sidewalls with each sidewall having an elongated opening which extends from a forward portion of the sidewall to a rearward portion of the sidewall.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided one elongated opening extending from the forward portion to the rearward portion of the sidewall as taught by Scott et al. in place of the two elongated opening of Gruich in order to allow the modules to hold elongated items therein.

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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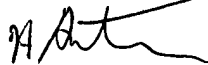
*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hilary Gutman  
October 27, 2005